



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 8 अक्टूबर, 1996/16 अक्टूबर, 1918

हिमाचल प्रदेश सरकार

STATE HUMAN RIGHTS COMMISSION

H. P. STATE HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS, 1996

Shimla-171 002, the 18th September, 1996

No. IIHC-4(E) 1/96.—In exercise of the powers conferred by section 29 read with sub-section (2) of section 10 of the Protection of Human Rights Act, 1993 (No. 10 of 1994), the State Human Rights Commission, Himachal Pradesh hereby makes the following regulations, namely :—

1. *Short title and commencement.*—(1) These Regulations may be called the Himachal Pradesh State Human Rights Commission (Procedure) Regulations, 1996.

(2) They shall come into force on the date of their publication in the official gazette.

► 2. *Definitions.*—In these regulations unless the context otherwise required,—

(a) "Act" means the Protection of Human Rights Act, 1993.

- (b) The "Chairperson" means the Chairperson of the Himachal Pradesh State Human Rights Commission.
- (c) The "Commission" means the Himachal Pradesh State Human Rights Commission.
- (d) "Member" means a member of the Commission and includes the chairperson.

3. Headquarters of the Commission.—The Headquarters of the Commission shall be located at Shimla.

4. Venue of the meetings.—The Commission shall ordinarily hold its meetings and sittings in its office located at Shimla. However, it may, in its discretion, hold its meetings and sittings at any other place in the State of Himachal Pradesh if it considers it necessary and expedient.

5. Periodicity of meetings.—The Commission shall ordinarily have its regular sittings in the first and third weeks of every month, excepting holidays. However, the Chairperson by himself or at the instance of one or more of the Members may direct a special sittings of the Commission to be convened to consider any specific matter of urgency.

6. Secretariat assistance.—The Secretary, alongwith such other officer(s) of the Commission as may be directed by the Chairperson, or considered necessary shall attend the meetings of the Commission.

7. Agenda.—The Secretary shall, in consultation with the Chairperson prepare the agenda for each meeting of the Commission and shall cause notes thereon to be prepared by the Secretariat. Such notes shall, as far as possible, be self-contained. Specific files covering the agenda items shall be made ready available to the Commission for reference. The agenda papers shall ordinarily be circulated to the members at least two clear days in advance of every meeting; but when matters are set down only for hearing, cause list of the day of sitting shall be prepared and circulated.

8. Procedure for dealing with complaints.—(1) All complaints in whatever form received by the Commission shall be registered and assigned a number and placed for admission before the Chairperson for the purpose not later than two weeks of receipt thereof. Ordinarily, complaints of the following nature are not entertainable by the Commission:—

- (a) in regard to events which happened more than one year before the making of the complaint;
- (b) with regard to matters which are subjudice;
- (c) which are vague, anonymous or pseudonymous;
- (d) which are of frivolous nature; or
- (e) those which are outside the purview of the Commission;
- (f) no fee is chargeable on complaints.

(2) Every attempt should be made to disclose a complete picture of the matter leading to the complaint and the same may be made in English or Hindi to enable the Commission to take immediate action. To facilitate the filing of the complaints, the Commission shall, however, entertain complaints in any language included in Eighth Schedule of the Constitution. It shall be open to the Commission to ask for further information and affidavits to be filed in support of allegations whenever considered necessary;

(3) The Commission, in its discretion, accept telegraphic, telephonic and FAX complaints if conveyed through reliable and verifiable sources;

(4) The Chairperson shall have the power to dismiss a complaint in limine which is outside the purview of the Commission.

(5) The Chairperson may, in appropriate cases, issue interim directions at his own level;

(6) Any member of the Commission can take cognizance of any matter relating to violation of human rights but he will, at the earliest, bring the same to the notice of the Chairperson;

(7) The Chairperson and at least one member and in the absence of the Chairperson two members may, in appropriate cases, constitute the quorum for the meeting of the Commission;

(8) Upon admission of a complaint, the Chairperson/Commission shall direct whether the matter would be set down for inquiry by it or should be investigated into and the Chairperson or the Commission shall have the power to assign the enquiry/investigation to any person whosoever, in the circumstances of the case, is considered proper and suitable;

(9) On every complaint on which a decision is taken by the Chairperson/Commission to either hold an inquiry or investigation, the Secretariat shall call for reports/comments from the concerned Government/authority giving the latter a reasonable time therefor.

(10) On receipt of the comments of the concerned authority, a detailed note on the merits of the case shall be prepared for consideration of the Commission;

(11) The directions and recommendations of the Commission shall be communicated to the concerned Government/authority and the petitioner as provided for in section 18 of the Act;

(12) The Commission may, in its discretion, afford a reasonable opportunity of being heard to the petitioner or any other person on his behalf and such other person or persons as in the opinion of the Commission should be heard in the matter before it and, where necessary, call for records and examine witnesses in connection with it. The Commission shall afford a reasonable hearing, including, if requested for, an opportunity of cross-examining witnesses and leading of evidence, to a person whose conduct is enquired into by it or where in its opinion the reputation of such person is likely to be prejudicially affected.

(13) When investigation is undertaken by a team of the Commission or by any other person under its direction, the report shall be submitted within a week of its completion, or such further time as the Commission may allow. The Commission may, in its discretion, direct further investigation in a given case if it is of opinion that investigation has not been proper or the matter requires further investigation for ascertaining the truth or enabling it to properly dispose of the matter. On receipt of the report, the Commission on its own motion, or if moved in the matter, may direct an inquiry by it in appropriate cases and receive evidence in course of such inquiry;

(14) The Commission or any of its Members, or, any other gazetted officer under the directions of the Chairperson, may undertake visits for an on the spot study and where such study is undertaken by one or more members or a gazetted officer, as the case may be, a report thereon shall be furnished to the Commission as early as possible;

(15) The Commission may, in its discretion, associate in its meetings social activists and, or, representatives of non-governmental organisations.

9. *Minutes of the meetings.*—(a) The minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any

other officer as directed. Such minutes shall be submitted to the Chairperson for his approval. The same shall be got confirmed from the Commission in its next meeting;

(b) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an opinion. Dissenting opinion, if given, shall also form part of and be kept on record. Action shall be taken on the basis of the majority opinion where there be any difference.

(c) *Follow-up action.*—Unless specifically authorised, no action shall be taken by the office of the Commission on the minutes of the meetings until the same are confirmed by the Chairperson.

10. *Record of minutes.*—A master copy of the minutes of every meeting and opinions of the Commission shall be maintained duly authenticated by the Secretary and a copy of the minutes pertaining to each item shall be added to the relevant file for appropriate action. Opinions shall be kept in the respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

11. *Report of Action taken.*—Report of follow-up action shall be submitted to the Commission at every subsequent sitting indicating therein the present stage on each item on which the Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for.

12. *Transaction of business outside the Headquarters.*—The Commission or its members may transact business at places outside its Headquarters as and when previously approved by the Chairperson.

13. *Authentication of orders and decisions.*—(1) Orders and decisions of the Commission shall be authenticated by the Secretary or any officer of the Commission (authorised by the Chairperson) not below the rank of an Under Secretary.

(2) Copies of enquiry reports or orders passed finally disposing of matter by the Commission shall be furnished free of cost to the petitioner or his representative.

(3) Unless any document is classified by the Commission as confidential, copy thereof would be available to the parties in the matter on payment of copying fee as prescribed by rules applicable to the High Court in this behalf. Every effort should be made to provide the copies with utmost expedition and, in any case, not later than one week of the date of request.

14. *Annual Report.*—The Commission shall furnish its annual report for the period commencing from 1st April of the year to 31st March of the succeeding year to the State Government as provided in Section 28 of the Act. The original report shall be signed by the Chairpersons and members of the Commission and appropriately preserved and duly authenticated copy shall be sent to the State Government by the end of May of every year.

15. *Special Reports.*—The Commission may furnish such Special Report on specific matter as may be considered necessary in terms of Section 28 of the Act.

16. *Reports on Complaints and Inquiries.*—Every report to which Section 18 of the Act applies shall be sent to the State Government, authority or person, as the case may be, as expeditiously as possible after the completion of the proceedings before the Commission and on receipt of the comments of the Government or authority, the Commission shall publish the report in the manner provided in Section 18 (6) of the Act.

17. As and when any matter which is not covered by these regulations arises, it shall be competent for the Commission to make appropriate directions and the Commission may add, delete, amplify and amend these regulations from time to time.

BY ORDER OF THE COMMISSION,

JIWANAND JIWAN,
Secretary.